

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LELONE TUCKER,	:	Case No. 1:18-cv-821
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
SPRINGFIELD TOWNSHIP POLICE	:	
DEPARTMENT, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 25)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. On November 26, 2018, Plaintiff LeLone Tucker filed a complaint on behalf of herself and her deceased son, Jermaine Tucker, under 42 U.S.C. § 1983. Plaintiff seeks relief against Defendants Springfield Township Police Department, Elmwood Fire Department, and the Hamilton County Coroner related to her son's death in a car accident in 2017.

On March 5, 2019, the Hamilton County Coroner filed a motion to dismiss. (Doc. 7). Plaintiff did not file a response. On April 11, 2019, Judge Bowman ordered Plaintiff to "show cause" as to why Defendant's motion to dismiss should not be construed as unopposed and granted for the reasons stated," warning that that "[f]ailure to timely comply with this Order will result in a Report and Recommendation to the District Judge that the pending motion be granted." (Doc. 11).

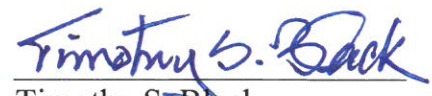
Plaintiff did not respond to the “show cause” order. Consequently, on September 20, 2019, Judge Bowman entered a Report and Recommendation recommending dismissal of plaintiff’s claims against the County Coroner. (Doc. 25). The Report and Recommendation recommends dismissal based on the arguments raised in the Coroner’s motion to dismiss, including that Plaintiff failed to plead facts sufficient to support a plausible claim, and that the Coroner is entitled to immunity under the Eleventh Amendment and qualified immunity. *Id.* It also recommends dismissal based on Plaintiff’s failure to comply with the Court’s show cause order and failure to prosecute. *Id.* No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation (Doc. 25) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above, Defendant Hamilton County Coroner’s motion to dismiss (Doc. 7) is **GRANTED**.

IT IS SO ORDERED.

Date: 12/3/19


Timothy S. Black
United States District Judge